

placed in service, and without the requested waiver, such funds will not be expended. AFTB explains that the waiver sought herein would allow AFTB the necessary flexibility to complete drydocking and repairs to the RO/RO barges without disrupting the weekly service which is currently provided to the shipping public.

Any person, firm, or corporation having any interest in the application for section 506 consent and desiring to submit comments concerning Kadampanattu Corp.'s request must by 5:00 p.m. on May 30, 1995, file written comments in triplicate, to the Secretary, Maritime Administration, Room 7210, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. The Maritime Administration, as a matter of discretion, will consider any comments submitted and take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.800 Construction-Differential Subsidies (CDS))

By order of the Maritime Administrator.

Dated: May 11, 1995.

**Murray A. Bloom,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 95-12093 Filed 5-16-95; 8:45 am]

BILLING CODE 4910-81-M

## National Highway Traffic Safety Administration

[Docket No. 95-39; Notice 1]

### Volkswagen of America, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Volkswagen of America, Inc. (VWoA) of Auburn Hills, Michigan, has determined that some of its vehicles fail to comply with the power window requirements of 49 CFR 571.118, Federal Motor Vehicle Safety Standard (FMVSS) No. 118, "Power-Operated Window, Partition, and Roof Panel Systems," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." VWoA has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Paragraph S4(e) in FMVSS No. 118 states that power operated windows may be closed only "during the interval

between the time the locking device which controls the activation of the vehicle's engine is turned off and the opening of either of a two-door vehicle's doors or, in the case of a vehicle with more than two doors, the opening of its front doors."

During the period of September 1, 1992 through March 5, 1995, VWoA manufactured approximately 1,200 1995 GTI vehicles and 18,795 1993-1995 Jetta III vehicles that do not comply with the power window requirements of FMVSS No. 118. The power windows in the subject vehicles can be operated when the ignition key is in the "off" position and the passenger side front door has been opened. The windows should not be able to be operated in this scenario.

VWoA supports its application for inconsequential noncompliance with the following:

The purpose of the requirement in S4(e) of FMVSS 118 specifying that the power window system not be functional if the ignition key is in the "off" position and one of the front doors have been opened, is to reduce the possibility of unsupervised children operating the power windows in the vehicle. S4(e) is based upon the assumption that before one of the front doors has been opened, an adult remains in the vehicle to supervise and protect children from the safety risks associated with the operation of the power window system. S4(e) further assumes that after one of the front vehicle doors has been opened, no adult remains in the vehicle and thereby creates a risk that children remaining in the vehicle may injure themselves by activating operational power windows without supervision. S4(e) seeks to eliminate that risk.

In the case of the affected vehicles, the power windows cease to be operable if the driver door is opened, but remain operational for a period of 10 minutes after the passenger side front door has been opened. The rationale supporting the 10 minute period is to allow the driver to close any open windows even though he may already have turned off the ignition and the passenger may have opened to door and exited the vehicle. It is a convenience feature permitted by law in Europe and offered by Volkswagen to the market in Europe as a convenience feature.

The power-operated roof panel systems cannot be operated after the ignition key has been turned off.

VWoA believes that its European configuration inadvertently built into certain vehicles delivered in the United States does not affect their safety in a discernible way. VWoA believes that as long as the driver door of the vehicle has not been opened, a person of driving age inevitably remains in the vehicle because the exiting of the driver on the passenger side front door is extremely difficult and therefore unlikely. The affected vehicles are equipped with bucket seats and a center transmission console which cause the movement of the driver to the passenger side of the vehicle without contortion to be difficult and virtually impossible. Also, it makes no sense to suggest that a driver would

exit the vehicle on the passenger side of a vehicle with bucket seats and [a] floor mounted transmission lever when he can conveniently open the driver's door for exit.

VWoA has received no customer complaints or claims relating to the ability of the windows to operate after the passenger door has been opened.

It should also be noted that the Volkswagen Owner's Manual contains an express warning against leaving children unattended in a vehicle and against misuse of the ignition key. The warning reads as follows:

#### WARNING

Do not leave children unattended in the vehicle especially with access to vehicle keys. Unsupervised use of the keys can result in starting of the engine and use of vehicle systems such as the power windows and power sunroof, which could result in serious personal injury.

As explained, the probability of unsupervised children being exposed to injury from power-operated window systems during the 10 minute interval after the ignition key has been turned off and the passenger side front door is opened and before the driver side front door is opened, is non-existent and that therefore this noncompliance is inconsequential to motor vehicle safety.

VWoA requests that this [application] be granted so that an unnecessary and costly consumer recall action [can] be avoided. VWoA expects a particularly low owner response to such a recall, if it were undertaken, because the ability to operate the power windows after the front passenger side door has been opened would likely be viewed by the owner to offer a valuable convenience feature without any apparent safety disadvantage.

Interested persons are invited to submit written data, views, and arguments on the application of VWoA, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C., 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: June 16, 1995.  
(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: May 11, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-12090 Filed 5-16-95; 8:45 am]

BILLING CODE 4910-59-M

**Research and Special Programs Administration**

**Office of Hazardous Materials Safety; Notice of Applications for Exemptions**

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** List of applicants for exemptions.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

**DATES:** Comments must be received on or before June 16, 1995.

**ADDRESS COMMENTS TO:** Docket Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

**NEW EXEMPTIONS**

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11449-N ...	Kleen Brite Lab., Inc., Rochester, NY.	49 CFR 174.67(i)(j) .....	To authorize chlorine filled rail cars to remain attached to connectors without the physical presence of an unloader. (modes 1, 2, 3)
11450-N ...	Coast Gas Inc., Bakersfield, CA.	49 CFR 173.315(a) .....	To authorize the transportation in commerce of corrosive liquefied petroleum gases in internally coated MC 331 cargo tanks. (mode 1)
11451-N ...	Gabriel Chemicals Inc., Houston, TX.	49 CFR 180.407 .....	To authorize DOT-412 cargo tank inspection every five years when used in chlorosulfonic acid service. (mode 1)
11453-N ...	Heatec, Inc., Chattanooga, TN.	49 CFR 173.32c(g)(1) .....	To authorize the transportation in commerce of a flammable liquid in non-DOT specification steel portable tanks permanently fitted within an ISO frame. (modes 1, 2, 3)
11454-N ...	Hodgdon Powder Co., Inc., Shawnee Mission, KS.	49 CFR 173.71 .....	To authorize the transportation in commerce of smokeless powder reclassified in Division 4.1 not to exceed 100 pounds to be shipped by cargo vessel. (mode 3)
11457-N ...	Entergy Services, Inc., Beaumont, TX.	49 CFR 174.67(i)&(j) .....	To authorize chlorine filled tank cars to remain connected to fittings without the physical presence of an unloader. (mode 2)
11458-N ...	Bristol-Myers Squibb Co., et al, Cranbury, NJ.	49 CFR 172.203(a), 173.150(b), 173.152(b), 173.154(b), 173.155(b), 173.306 (a) & (h), Part 107, Subpart B, Appendix B, Part 107, Subpart B, Appendix B.	To authorize the transportation in commerce of consumer commodities eligible for reclassification as ORM-D in pallet-sized display packs that exceed the gross weight limit for limited quantities packages. (mode 1)
11459-N ...	Quality Containment Co., Owensboro, KY.	49 CFR 173.34, 173.302, 173.304 .....	To authorize the manufacture, mark and sale of a recovery cylinder for use in transporting damaged sulfur dioxide cylinders. (mode 1)

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on May 11, 1995.

**J. Suzanne Hedgepeth,**

*Chief, Exemption Programs, Office of Hazardous Materials Exemptions and Approvals.*

[FR Doc. 95-12091 Filed 5-16-95; 8:45 am]

BILLING CODE 4410-60-M

**Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemptions or Applications To Become a Party to an Exemption**

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** List of applications for modification of exemptions or applications to become a party to an exemption.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of

Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. Application numbers with the suffix "P" denote a